

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CR-00203-RJC-DCK

USA

v.

MIKAEL ROBERTS (4)

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ORDER

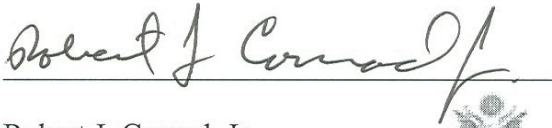
THIS MATTER is before the Court upon the defendant's pro se motion for a concurrent sentence. (Doc. No. 160). According to the motion, after this Court sentenced the defendant for conspiracy to commit bank and wire fraud (Count One) and aggravated identity theft (Count Fourteen) on November 16, 2021, (Doc. No. 145: Amended Judgment), he was returned to state custody where he was sentenced in a separate case on February 23, 2022, for assault with deadly weapon inflicting serious bodily injury and promoting prostitution, (Doc. No. 160 at 3).

A federal court has discretion to announce whether its sentence will be served concurrently with or consecutively to an anticipated state sentence. Setser v. United States, 132 S. Ct. 1463, 1468 (2012). The defendant's federal presentence report included the pending state charges, (Doc. No. 104 at 16-17); however, that issue was not addressed in the sentencing proceedings before this Court, and the defendant has not shown any authority to alter the final Judgment now. Additionally, multiple terms of imprisonment imposed at different times run consecutively unless the judgment states otherwise, 18 U.S.C. § 3584(a), and the sentence for violating

18 U.S.C. § 1028A (Count Fourteen) may not be served concurrently with any other term of imprisonment.

IT IS, THEREFORE, ORDERED that the defendant's request for a concurrent sentence, (Doc. No. 160), is **DENIED**.

Signed: November 15, 2022

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

